

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

22-CR-109-LJV

PAYTON GENDRON,

Defendant.

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**SPEEDY TRIAL ORDER**  
(1/12/2024 through 2/2/2024)

On January 12, 2024, the parties appeared before the Court for a status conference. Assistant United States Attorneys Joseph M. Tripi and Brett A. Harvey, Department of Justice Civil Rights Division Trial Attorney Laura Blakemore Gilson, and Department of Justice Capital Case Section Trial Attorney Michael S. Warbel appeared on behalf of the government. The defendant appeared through his attorneys — Assistant Federal Public Defenders Sonya Zoghlin, MaryBeth Covert, and Anne Burger — who waived the defendant's appearance.

During the status conference, wherein the Court addressed the government's filing of a notice of intent to seek the death penalty (*see* Docket No. 125), the parties agreed to adjourn the case for a status conference on February 2, 2024, to permit the parties to attempt to negotiate the terms of a scheduling order. In addition, the Court scheduled oral argument for one of the outstanding defense motions to occur on February 2, 2024 (*see* Docket No. 15).

The government moved to exclude the period of the adjournment in the interests of justice pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

After a motion by the government and with the consent of defense counsel, the Court excluded the speedy trial time in this action from and including January 12, 2024, through and including February 2, 2024, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Additionally, the defendant filed certain motions which remain pending, thereby automatically excluding the time from the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(1)(D).

Specifically, and for the reasons set forth above, the Court determines that the defendant's and the public's interest in in a speedy trial is outweighed by the defendant's interest in having adequate time to continue<sup>28</sup> review the voluminous discovery and prepare the defense of this case (including deciding which pretrial motions to prepare and file on behalf of the defendant), and for the parties to attempt to negotiate the terms of a scheduling order. Additionally, providing the defendant, whose charges expose him to the death penalty, with effective assistance of counsel outweighs the public's interest in a speedy trial. Furthermore, the defendant's interests in enabling sufficient time for his defense counsel to review voluminous discovery materials and securing the effective assistance of counsel outweighs the interest of the defendant in a speedy trial.


NOW, it is hereby

**ORDERED**, for the reasons set forth above, that this case is hereby adjourned until February 2, 2024; and it is further

**ORDERED** that the time in this action from and including January 12, 2024, to and including February 2, 2024, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Sections 3161(h)(1)(D), 3161(h)(7)(A), and 3161(h)(7)(B)(iv).

The Court further finds that, as of February 2, 2024, zero (0) days of Speedy Trial Act time will have elapsed in this action and 70 days remain in the period within which trial must commence.

DATED: Buffalo, New York, January 27, 2024.

  
HONORABLE LAWRENCE J. VILARDO  
United States District Judge